



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,275	01/20/2000	Thomas R Eames	P722CONT	4219

26853 7590 01/15/2004

COVINGTON & BURLING
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/488,275

Applicant(s)

EAMES ET AL.

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/25/03 have been fully considered but they are not persuasive.

The applicant argues on page 20 under the heading for 102 rejection that the reference of Ehreth does not disclose receiving a video signal from a telecommunications network in response to received at least one channel selected command. The examiner respectfully disagrees with this assertion. As previously disclosed, Ehreth discloses the user enters input information into a channel selection and signaling unit 50 through a remote control 70 and the user input is sent upstream on the network 90 to the communications controller 30 (column 3, line 65-column 4, line 23). Ehreth discloses the broadband/narrowband network receives the data and the video signal for distribution to the television sets 100 through communications controller (residential gateway) and the communications controller sends all or only those video signals requested by the communications controller 30 (column 3, lines 10-34). Ehreth discloses the bi-directional arrow from the upstream signaling receiver 80 and the network interface32 (figure 1). Thus, the channel select command is sent from the user's remote control 70 to the channel selector and signaling unit 50, upstream on network 90, to the communications controller 30, and the communications controller receives the appropriate signals from the broadband/narrowband network 40, which meets the limitation on receiving a video signal from a telecommunications network in response to received at least one channel select command. The applicant argues that Ehreth does not disclose or suggest constructing from video signal at least one series of video packets corresponding to a channel select command and transporting a series

Art Unit: 2611

of video packets over a video packet bus to at least one video decoder. The examiner respectfully disagrees with this assertion. As previously disclosed, Ehreth discloses the signals received at the network interface 32 conducts ATM cell management and the ATM cells carry MPEG encoded video (column 3, lines 23-34), which meets the limitation on constructing from the video signal at least one series of video packets corresponding to a channel select command. Ehreth discloses the network interface 32 converts the MPEG encoded video into an analog format (column 3, lines 23-34), which meets the limitation on transporting a series of video packets over a video packet bus to at least one video decoder. Thus the arguments on page 21 regarding the remaining claims rejected under section 102 are unpatentable since the independent claim 1 is unpatentable.

The applicant argues on page 21-25 with respect to the rejection under section 103 of claims 5, 7, 8, 33, 40, and 41; 6 and 34; 9; 11 and 43; 12, 32, and 44; 14 and 46 that since none of the references teach the features of the independent claim, the claims are patentable and there is no motivation to combine the references. The examiner respectfully disagrees with this assertion since the examiner has proven the features of the independent claim are unpatentable as stated above and has given a motivation to combine the references.

The applicant argues on page 25 that the references fails to disclose a network interface module for receiving signals including video signals , from a telecommunications network, wherein the received video signals correspond to... channel select commands and directly receiving channel select commands from remote control devices associated with the televisions. As previously disclosed in claim 16, the limitations for directly received have been met in claims 7-8 rejections. Claims 7-8 rejections state, Ehreth fails to disclose a wireless receiver in the

Art Unit: 2611

residential gateway receiving infrared signals from a remote control. Hamlin discloses the system controller (residential gateway) (column 5, lines 17-21). Hamlin discloses a remote controller sends electromagnetic signals such as infrared signals to a transceiver (receiver) connected to the system controller 38 (residential gateway) (column 6, lines 8-17); the signal is directly sent to the transceiver, which is part of the gateway. Furthermore, the cited portion of Hamlin discloses the remote control 42 can transmit command signals to the system controller 38 (residential gateway) and the signals can be electromagnetic radiation such as infrared or radio signals (column 6, lines 8-17; figure 1), which meets the limitation on directly receiving commands from remote control devices associated with the televisions. The limitations on video signals corresponding to channel select commands has been met by Ehreth as stated by the examiner above. The applicant states there is not suggestion or motivation to combine these references. The examiner has given the motivation to combine the references of Ehreth and Hamlin as noted in claims 7-8 rejections and the motivation to combine Nguyen as noted in claim 16 rejection. The applicant states the dependent claims are not allowable for those reasons. The examiner respectfully disagrees with this assertion and has shown the features the applicant thought to be missing and has stated the motivation. Thus, claims 49-50, 52-55, 57, 60, 63, and 66 are unpatentable.

The applicant argues on page 26-29 with respect to the rejection under section 103 of claims 21 and 51; 24 and 56; 26 and 58; 27 and 59; 29 and 61; 30, 62, 64, and 65; 49 that since none of the references teach the features of the independent claim, the claims are patentable and there is no motivation to combine those references. The examiner respectfully disagrees with

Art Unit: 2611

this assertion since the examiner has proven the features of the independent claim are unpatentable as stated above and has stated motivations for each of the combinations.

The applicant argues on pages 29-30 under the heading of claims 67, 69, 71-75, and 77 that Ehreth fails to disclose receiving channel select commands directly at a receiver within a residential gateway. As stated in claim 67 rejection, the limitations have been met in claim 7-8 rejections. Furthermore, a cited portion of Hamlin discloses the remote control 42 can transmit command signals to the system controller 38 (residential gateway) and the signals can be electromagnetic radiation such as infrared or radio signals (column 6, lines 8-17; figure 1), which meets the limitation on directly receiving commands from remote control devices associated with the televisions. Ehreth has met the limitation on channel select commands as stated by the examiner above. The applicant states there is no suggestion to combine these references. The examiner respectfully disagrees with this assertion. As disclosed in claim 67 rejection, some of the limitations in claim 67 have been met in claims 1, 7-8 rejections. As stated in claims 7-8 rejections, Ehreth discloses the remote selector 70 may be used in any other suitable signal transmission media for entering user input information (column 4, lines 5-12), which is a suggestion to combine. The applicant argues that because the features stated are missing, the dependent claims that depend on claim 67 are allowable and there is no motivation to combine. The examiner has pointed out the features thought to be missing, therefore the dependent claims are unpatentable and the motivation to combine is stated in the rejections below.

The applicant argues on pages 31-32 with respect to the rejection under section 103 of claims 68, 78, and 79; 70; 76 that since none of the references teach the features of the independent claim, the claims are patentable and there is no motivation to combine those

Art Unit: 2611

references. The examiner respectfully disagrees with this assertion since the examiner has proven the features of the independent claim are unpatentable as stated above and has stated motivations for each of the combinations in the rejections below.

The applicant argues on page 33 under the heading of claims 80-82 that the rejection is unclear and because claims 5 and 74-75 are allowable, claims 80-82 are allowable. The examiner has proven that claims 5 and 74-75 are unpatentable, therefore, claims 80-82 are unpatentable. Furthermore, for clarification purposes, Ehreth in view of Hamlin has met the limitations in claim 80 in claim 5 rejection. Ehreth has met the limitations in claims 81-82 in claim 74-75 rejections.

The applicant argues on pages 33-34 with respect to the rejection under section 103 of claims 83; 84-85 that since none of the references teach the features of the independent claim, the claims are patentable and there is no motivation to combine those references. The examiner respectfully disagrees with this assertion since the examiner has proven the features of the independent claim are unpatentable as stated above and has stated motivations for each of the combinations in the rejections below.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground

Art Unit: 2611

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 31, 67 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. ¹⁰~~09~~/443,744.

Allowance of claim 1, 31, 67 would result in an unwarranted time-wise extension of the monopoly previously granted for the invention defined by claim 1 of Application # ¹⁰~~09~~/443,744 therefore, obviousness type double patenting is appropriate.

Claims 16, 48, 71, 79 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of copending Application No. ¹⁰~~09~~/443,744.

Allowance of claim 16, 48, 71, 79 would result in an unwarranted time-wise extension of the monopoly previously granted for the invention defined by claim 3 of Application # ¹⁰~~09~~/443,744 therefore, obviousness type double patenting is appropriate.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2611

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 10, 13, 15, 31, 35-39, 42, 45, 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ehreth (US Patent # 6,286,142).

Regarding claim 1, Ehreth discloses having a plurality of television sets in each of a plurality of remote sites 104 (column 2, lines 59-67 and column 3, lines 1-10), which meets the limitation on having televisions in at least two separate locations. Ehreth discloses a television set 100 located by itself, which reads on a first television close in proximity; and remote site 104, which reads on a second television remotely located (figure 1). The examiner incorporates this interpretation of close in proximity and remotely located hereinafter for the rejected claims in the Office Action.

Ehreth discloses the user may enter user input information to the channel selector and signaling unit 50 through a remote selector 70, the unit 50 communicates with the communications controller 30 (residential gateway) via network 90 (column 3, lines 65-67 and column 4, lines 1-12). Ehreth discloses remote selector transmits information sends user input information to the channel selector and signaling unit 50 and sends the upstream signals to upstream signaling receiver 80 associated with the communications controller 30 (residential gateway) (column 4, lines 13-23).

Ehreth discloses the multiple site video distribution system receives video information from a telecommunications network and the communication controller transmits selected video signals from the video information onto a video signal distribution network; the channel selector and signaling unit sends user input information to the communication controller (residential

Art Unit: 2611

gateway) over the video signal distribution network and the communication controller selects the appropriate video signal in response to the user input information (column 1, lines 44-60); Ehreth discloses the network 40 provides requested data and video signals or all data and video signal to the multi-site location 102 (residential environment) (column 3, lines 15-23). Ehreth discloses the broadband/narrowband network receives the data and the video signal for distribution to the television sets 100 through communications controller (residential gateway) and the communications controller sends all or only those video signals requested by the communications controller 30 (column 3, lines 10-34). Ehreth discloses the bi-directional arrow from the upstream signaling receiver 80 and the network interface 32 (figure 1). Thus, the channel select command is sent from the user's remote control 70 to the channel selector and signaling unit 50, upstream on network 90, to the communications controller 30, and the communications controller receives the appropriate signals from the broadband/narrowband network 40, which meets the limitation on receiving a video signal from a telecommunications network in response to received at least one channel select command.

Ehreth discloses the signals received at the network interface 32 conducts ATM cell management and the ATM cells carry MPEG encoded video (column 3, lines 23-34), which meets the limitation on constructing from the video signal at least one series of video packets corresponding to a channel select command.

Ehreth discloses the network interface 32 converts the MPEG encoded video into an analog format (column 3, lines 23-34), which meets the limitation on transporting a series of video packets over a video packet bus to at least one video decoder.

Ehreth discloses the communications controller 30 includes network interface that conducts ATM cell management and generation activities and further converts ATM cells carrying MPEG encoded video to an analog format (column 3, lines 23-34); in MPEG, which meets the limitation on constructing, transporting, and decoding. Ehreth discloses the downstream signals sent from the communications controller to the television are analog (column 3, lines 35-50), which meets the limitation on transmitting.

Regarding claims 2-4, as disclosed in claim 1 rejections, the video information received is ATM cells carrying MPEG encoded video and it is converted into analog at the network interface 32 and sent to televisions downstream, the encoded MPEG is decoded into an analog signal and sent to the television.

Regarding claim 10, as disclosed in claim 1 rejections, the encoded MPEG signal is decoded and converted into analog; the MPEG decoder reads on a main video decoder.

Regarding claim 13, as disclosed in claim 1 rejection, Ehreth discloses the encoded MPEG video signal is converted into analog and sent downstream; the analog signal is sent to the remote site 104, which represent different parts of a residential dwelling and comprises a television (column 2, lines 59-67 and column 3, lines 1-10), which meets the limitation on a television in close proximity.

Regarding claim 15, Ehreth discloses televisions (plurality of devices) connected to channel selection unit 50 [network 90 and channel selection and signaling unit 50 (connectors)] are connected to communication controller (residential gateway) (figure 1). Ehreth discloses the user enters user input information using remote selector 70 and the information is sent to communications controller 30 (residential gateway) via unit 50 and network 90 (column 3, lines

Art Unit: 2611

65-67 and column 4, lines 1-23). Ehreth discloses in response to the desired channel selection the upstream signaling receiver receives video information and transmits the video information downstream to the appropriate television set (column 4, lines 44-62); there are a plurality of televisions and the viewer can watch different programming than another viewer watching a separate television, the MPEG packets for the different programs (different formats, first and second) are decoded in different formats and sent to the viewers in close proximity of the residential gateway and remotely located from the residential gateway.

Regarding claim 31, the limitations in claim 31 have been met in claim 1 rejection.

Regarding claims 35-39, Ehreth discloses the user inputs into the channel selector and signaling unit 50 through a remote selector 70 and the user input information is transmitted on video signal distribution network 90 and information signals includes video channel selection, which meets the limitation on selecting a television channel for remotely located televisions by programming associated remote control devices to transmit channel select command to remotely located televisions; remote selector 70 uses infrared radiation (column 3, lines 65-67 and column 4, lines 1-12). **Ehreth discloses even though shown as a separate unit, the television set 100 and channel selector and signaling unit may be incorporated within or integrated into television set 100** (column 3, lines 2-3). Ehreth discloses the user input information is transmitted upstream to communications controller 30 (residential gateway) (column 4, lines 13-24). Ehreth discloses the channel selector and signaling unit receives (optical receiver) user input information entered by a user from remote selector (column 4, lines 17-19).

Regarding claim 42, the limitations in claim 42 have been met in claim 10 rejection.

Regarding claim 45, the limitations in claim 45 have been met in claim 13 rejection.

Regarding claim 47, the limitations in claim 47 have been met in claim 15 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7, 8, 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin (US Patent # 5,574,964).

Regarding claim 5, Ehreth discloses the remote selector 70 may be used in any other suitable signal transmission media for entering user input information (column 4, lines 5-12). Ehreth fails to disclose a wireless receiver in the residential gateway receiving signals from a remote control. Hamlin discloses the system controller (residential gateway) (column 5, lines 17-21). Hamlin discloses a remote controller sends electromagnetic signals (wireless) such as infrared or radio signals to a transceiver (wireless receiver) connected to the system controller 38 (residential gateway) (column 6, lines 8-17); the signal is directly sent to the transceiver, which is part of the gateway. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth to have the residential gateway have a wireless receiver receiving electromagnetic signals such as infrared signals or radio signals from a remote control as taught by Hamlin in order to provide versatility, mobility while communicating with the gateway.

Regarding claims 7-8, Ehreth discloses the remote selector 70 may be used in any other suitable signal transmission media for entering user input information (column 4, lines 5-12). Ehreth fails to disclose a wireless receiver in the residential gateway receiving infrared signals from a remote control. Hamlin discloses the system controller (residential gateway) (column 5, lines 17-21). Hamlin discloses a remote controller sends electromagnetic signals such as infrared signals to a transceiver (receiver) connected to the system controller 38 (residential gateway) (column 6, lines 8-17); the signal is directly sent to the transceiver, which is part of the gateway. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth to have the residential gateway have a wireless receiver receiving electromagnetic signals such as infrared signals or radio signals from a remote control as taught by Hamlin in order to provide versatility, mobility while communicating with the gateway.

Regarding claim 33, the limitations in claim 33 have been met in claim 5 rejection.

Regarding claims 40-41, the limitations in claims 40-41 have been met in claims 7-8 rejections.

5. Claims 6, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin and in further view of Tigwell (US Patent # 5,379,453).

Regarding claim 6, as disclosed in claim 5 rejection, Hamlin discloses a remote controller sends electromagnetic signals (wireless) such as infrared or radio signals to a transceiver (wireless receiver) connected to the system controller 38 (residential gateway) (column 6, lines 8-17). Neither Ehreth nor Hamlin discloses the electromagnetic signal from the remote being an UHF signal. Tigwell discloses a remote control emits UHF signals (column 5, lines 22-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2611

modify Ehreth in view of Hamlin to have the electromagnetic signals from the remote control transmit UHF signals as taught by Tigwell in order to comply with FCC regulations of using a band in the UHF spectrum.

Regarding claim 34, the limitations in claim 34 have been met in claim 6 rejection.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Martin (US Patent # 5,500,691).

Regarding claim 9, as disclosed in claim 1 rejection, Ehreth discloses the remote and local televisions and channel select commands corresponding to each television. As disclosed in claim 5 rejection, Hamlin discloses a transceiver 40 (remote control receiver) coupled to system controller 38 (residential gateway) (figure 1) for receiving remote control 42 signals. Neither Ehreth nor Hamlin discloses two different types of receivers within the residential gateway. Martin discloses the satellite receiver 12 (residential gateway) receives infrared signals from RF/IR remote unit 16 and can receive RF signal via RF antenna 20 (column 3, lines 4-15, figure 1); the user can communicate remotely with the satellite receiver (residential gateway) **directly** (incorporated hereinafter in corresponding claims) via IR/RF, the user can communicate in proximity via RF or IR. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth in view of Hamlin to have two types of receivers as taught by Martin in order to give the user more versatility on the type of communication to use. Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth in view of Hamlin to have two types of receivers as taught by Martin in order to give the user more mobility for the user to communicate from nearby or remote. Furthermore, it would have been obvious to one of ordinary skill in the art at the time

Art Unit: 2611

the invention was made to modify Ehreth in view of Hamlin to have two types of receivers as taught by Martin in order to give the user a more robust system in the scenario of one receiver breaks down, the other will work.

7. Claims 11 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth.

Regarding claim 11, as disclosed in claim 1 rejection, Ehreth discloses a decoder. Ehreth fails to disclose an insertable decoder. The examiner takes Official notice that insertable cartridges are notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth to make the decoder insertable in order to provide mobility to the decoder by being able to interchange the decoder in multiple gateways in different locations.

Regarding claim 43, the limitations in claim 43 have been met in claim 11 rejection.

8. Claims 12, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of White (US Patent # 5,596,373).

Regarding claim 12, as disclosed in claim 1 rejection, Ehreth discloses an MPEG signal is converted into an analog signal. White discloses the decoded MPEG signal is an S video signal (column 4, lines 4-14). It would have been obvious to one of skill in the art at the time the invention was made to modify Ehreth produce a television signal having an S video format as taught by White in order to produce better picture quality.

Regarding claim 44, the limitations in claim 44 have been met in claim 12 rejection. As disclosed in claim 1 rejection, there are a series of ATM cells in MPEG format (packets).

9. Claims 14, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Bindlish (US Patent # 5,608,864).

Regarding claim 14, as disclosed in claim 1 rejection, Ehreth discloses a MPEG decoder. Ehreth fails to disclose decoding with three separate channels. Bindlish discloses the composite video signal is decoded by MPEG decoder into a YUV signal (three separate channels) (column 3, lines 48-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth to have the MPEG decoder decode the composite video signal into a YUV signal as taught by Bindlish in order to produce better picture quality, which produce component signals (3 separate channels).

Regarding claim 46, the limitations in claim 46 have been met in claim 14 rejection.

10. Claims 16-20, 22, 23, 25, 28, 48-50, 52-55, 57, 60, 63, 66, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen (US Patent # 5,515,511).

Regarding claims 16, 19, and 25, the limitations in claim 16 have been met in claim 1 rejection. The limitation for directly receiving has been met in claims 7-8 rejections. Hamlin discloses the remote control 42 can transmit command signals to the system controller 38 (residential gateway) and the signals can be electromagnetic radiation such as infrared or radio signals (column 6, lines 8-17; figure 1), which meets the limitation on directly receiving commands from remote control devices associated with the televisions. Hamlin discloses the user can use the remote to direct the signal to be distributed to any room (column 5, lines 46-60). As disclosed in claim 1 rejections, Ehreth discloses MPEG signals are converted into analog signals, which meets the limitation on a main MPEG video decoder. Ehreth discloses a network interface 32 (network interface module) that receives video signals from a telecommunications network (column 3, lines 11-34). Neither Ehreth nor Hamlin discloses a plurality of processors.

Art Unit: 2611

Nguyen discloses a C box (residential gateway) provides conversion of digital to analog with (column 1, lines 59-65). Nguyen discloses a plurality of decompression and analog network adapters 111-114 (processors or decoders) that transmits compressed digital streams and converts the stream into analog and sends to a user (column 3, lines 38-59). Nguyen discloses advantages in overcoming prior art include being able to support more end users (column 1, lines 18-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth in view of Hamlin to have a plurality of processors for decoding as taught by Nguyen in order to distribute the load of decoding among multiple decoders in order to provide video to multiple users.

Regarding claim 17, the limitations in claim 17 have been met in claim 2 rejection.

Regarding claim 18, the limitations in claim 18 have been met in claim 3 rejection.

Regarding claim 20, the limitations in claim 20 have been met in claim 5 rejection.

Regarding claims 22-23, the limitations in claims 22-23 have been met in claims 7-8 rejections.

Regarding claim 28, the limitations in claim 28 have been met in claim 13 rejection.

Regarding claim 48, the limitations in claim 48 have been met in claim 1 rejection. The limitation for directly receiving has been met in claims 7-8 rejections. Additionally, Ehreth discloses televisions (plurality of devices) connected to channel selection unit 50 [network 90 and channel selection and signaling unit 50 (connectors)] are connected to communication controller (residential gateway) (figure 1). Ehreth discloses a network interface 32 (network interface module) that receives video signals from a telecommunications network (column 3, lines 11-34). Neither Ehreth nor Hamlin discloses a plurality of processors. Nguyen discloses a

Art Unit: 2611

plurality of decompression and analog network adapters 111-114 (processors or decoders) that transmits compressed digital streams and converts the stream into analog and sends to a user (column 3, lines 38-59). Nguyen discloses advantages in overcoming prior art include being able to support more end users (column 1, lines 18-39). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth in view of Hamlin to have a plurality of decoders as taught by Nguyen in order to distribute the load of decoding among multiple decoders and provide to more end users.

Regarding claim 50, the limitations in claim 50 have been met in claim 5 rejection.

Regarding claim 52, the limitations in claim 52 have been met in claim 35 rejection.

Regarding claim 53, the limitations in claim 53 have been met in claim 7 rejection.

Regarding claim 54, the limitations in claim 54 have been met in claim 8 rejection.

Regarding claim 55, Ehreth discloses the user inputs into the channel selector and signaling unit 50 through a remote selector 70 and the user input information is transmitted on video signal distribution network 90 and information signals includes video channel selection, which meets the limitation on used by a television located in close proximity (television set not within remote unit 50) to the residential gateway to transmit the channel select commands to the residential gateway; remote selector 70 uses infrared radiation (column 3, lines 65-67 and column 4, lines 1-12). Ehreth discloses even though shown as a separate unit, the television set 100 and channel selector and signaling unit may be incorporated within or integrated into television set 100 (column 3, lines 2-3). Ehreth discloses the user input information is transmitted upstream to communications controller 30 (residential gateway) (column 4, lines 13-24).

Art Unit: 2611

Regarding claim 57, the limitations in claim 57 have been met in claim 10 rejection.

Regarding claim 60, as disclosed in claims 1, 10 rejections, the television standing outside of remote site 104 reads on close in proximity, the main video decoder is disclosed in claim 10 rejection.

Regarding claim 63, Hamlin discloses the system controller's 38 (residential gateway) transceiver 40 (remote control module part of the residential gateway) processes the commands from remote control 42 (figure 1, column 3, lines 19-23). The limitation on insertable decoder has been met in claim 11 rejection.

Regarding claim 66, as disclosed in claim 1 rejection, data is sent downstream from broadband network 40 to the communication controller 30 (residential gateway) the user uses a remote to select programming and the requests are sent upstream and the upstream signaling receiver receives the appropriate programming (figure 1), the communication controller 30 (residential gateway) performs the function of a DAVIC module connected to the network and transmitting the signal to the TVs.

11. Claim 21, 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen in further view of Tigwell.

Regarding claim 21, the limitations in claim 21 have been met in claim 6 rejection.

Regarding claim 51, the limitations in claim 51 have been met in claim 6 rejection.

12. Claims 24, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Martin.

Regarding claim 24, the limitations in claim 24 have been met in claim 9 rejection.

Regarding claim 56, the limitations in claim 56 have been met in claim 9 rejection.

Art Unit: 2611

13. Claim 26, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen.

Regarding claim 26, the limitations in claim 26 have been met in claim 11 rejection.

Regarding claim 58, the limitations in claim 58 have been met in claim 26 rejection.

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen in further view of White.

Regarding claim 27, the limitations in claim 27 have been met in claim 12 rejection.

15. Claim 29, 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in view of Nguyen in further view of Bindlish.

Regarding claim 29, the limitations in claim 29 have been met in claim 14 rejection.

Regarding claim 61, the limitations in claim 61 have been met in claim 29 rejection.

16. Claims 30, 62, 64, 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen.

Regarding claim 30, Ehreth discloses televisions (plurality of devices) connected to channel selection unit 50 are connected to communication controller (residential gateway) (figure 1). Ehreth discloses the user enters user input information using remote selector 70 and the information is sent to communications controller 30 (residential gateway) via unit 50 and network 90 (column 3, lines 65-67 and column 4, lines 1-23). Ehreth discloses in response to the desired channel selection the upstream signaling receiver receives video information and transmits the video information downstream to the appropriate television set (column 4, lines 44-62); there are a plurality of televisions and the viewer can watch different programming than another viewer watching a separate television, the MPEG packets for the different programs

Art Unit: 2611

(different formats, first and second) are decoded in different formats and sent to the viewers in close proximity of the residential gateway and remotely located from the residential gateway. As disclosed in claim 16 rejection, Nguyen discloses a plurality of decoders. The limitations for an insertable decoder have been met in claim 11 rejection.

Regarding claim 62, the limitations in claim 62 have been met in claim 30 rejection.

Regarding claim 64-65, Ehreth discloses converting digital to analog of video signals as disclosed in claim 1 rejection. Ehreth fails to disclose the received signals being voice and data. The examiner takes Official Notice that conversion of voice to telephony and data to computer is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth to have the signals converted be voice and data in order to provide analog signals to the devices.

17. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of White.

Regarding claim 32, the limitations in claim 32 have been met in claim 12 rejection, Ehreth discloses a network connecting a communication controller 30 (residential gateway) to a television (figure 1). Neither Ehreth nor White discloses the network being wired cable. The examiner takes Official Notice that wired networks and/or sending S-video via cable to televisions is notoriously well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ehreth in view of White to have cable in order to insulate transmitted signals without interference from signals in the air.

Regarding claim 49, the limitations in claim 49 have been met in claim 32 rejection.

Art Unit: 2611

18. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen in further view of White.

Regarding claim 59, the limitations in claim 59 have been met in claim 44 rejection.

19. Claims 67, 69, 71-75, 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin.

Regarding claim 67, the limitations in claim 67 have been covered in claims 1, 7, and 8 rejections. Hamlin discloses the remote control 42 can transmit command signals to the system controller 38 (residential gateway) and the signals can be electromagnetic radiation such as infrared or radio signals (column 6, lines 8-17; figure 1), which meets the limitation on directly receiving commands from remote control devices associated with the televisions. The limitation on close in proximity and remotely located are not recited have been disclosed in claim 1 rejection. Additionally, Ehreth shows a plurality of television sets and a plurality of remotes (figure 1). Ehreth discloses the user selectable settings 52 correspond to different upstream frequency settings (column 4, lines 24-34). Ehreth discloses the upstream signaling receiver receives upstream information signals from channel selector and signaling unit over network 90 and transmits downstream information to the appropriate television set (column 4, lines 51-62), which meets the limitation for processing and transmitting to a first television and second television. Ehreth discloses the network interface 90 (network interface module) as disclosed in claim 48 rejection. Ehreth discloses the user enters user input information using remote selector 70 and the information is sent to communications controller 30 (residential gateway) via unit 50 and network 90 (column 3, lines 65-67 and column 4, lines 1-23). Ehreth discloses in response to the desired channel selection the upstream signaling receiver receives video information and

Art Unit: 2611

transmits the video information downstream to the appropriate television set (column 4, lines 44-62); there are a plurality of televisions and the viewer can watch different programming than another viewer watching a separate television, the MPEG packets for the different programs (different selection, first and second) are decoded in different formats and sent to the viewers in close proximity of the residential gateway and remotely located from the residential gateway.

Regarding claim 69, the limitation in claim 69 have been met in claims 7-8 rejections.

Regarding claim 71, as disclosed in claim 1 rejection, the television 100 not within 104 reads on the first television located in close proximity and the televisions in remote area 104 read on the second television being a remote television (figure 1). The limitation for the receiver directly receiving selections has been met in claims 7-8 rejections. Ehreth discloses televisions (plurality of devices) connected to channel selection unit 50 [network 90 and channel selection and signaling unit 50 (connectors)] are connected to communication controller (residential gateway) (figure 1). Ehreth discloses in response to the desired channel selection the upstream signaling receiver receives video information and transmits the video information downstream to the appropriate television set (column 4, lines 44-62), which meets the limitation on the video processor that produces a first television signal and a second television signal each associated with their respective TVs.

Regarding claim 72, the limitations in claim 72 have been met in claims 7-8 rejections.

Regarding claim 73, the limitations in claim 73 have been met in claim 5 rejection.

Regarding claims 74-75, as disclosed in claim 1 rejection, Ehreth discloses ATM cells being in an encoded MPEG format and the communications controller 30 (residential gateway) performs digital to analog conversion, which meets the limitation on constructing. As disclosed

Art Unit: 2611

in claim 71 rejection, there are multiple viewers that can watch different programs, which meets the limitation on simultaneously decoding several MPEG streams corresponding to different channels.

Regarding claim 77, the limitations in claim 77 have been met in claim 15 rejection, the different formats in claim 15 are for different televisions.

20. Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of White.

Regarding claim 68, the limitations in claim 68 have been met in claim 12 rejection.

21. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Nguyen in further view of White.

Regarding claim 70, as disclosed in claim 1 rejection, Ehreth discloses decoding the MPEG signal and producing an analog signal; the limitation on a processor and a module (plurality of decoders) has been met in claim 16 rejection by Nguyen. The limitation on S video has been met in claim 12 rejection.

22. Claim 76 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of Decker (US Patent # 6,167,443).

Regarding claim 76, Ehreth discloses modulator 34 for modulating the television signals (figure 1 and column 3, lines 40-50). Neither Ehreth nor Hamlin discloses a plurality of modulators. Decker discloses an entertainment and information system (residential gateway) that is installed in a hotel with a number of rooms and TVs (column 4, lines 45-53). Decker discloses modulators 135 (figure 2, column 4, lines 54-67 and column 5, lines 1-5).

Art Unit: 2611

23. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of White.

Regarding claim 78, the limitations in claim 78 have been met in claim 12 rejection.

24. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of White.

Regarding claim 79, the limitations in claim 79 have been met in claim 1 rejection.

Additionally, the limitation for close in proximity and remotely located have been met in claim 1 rejection. The network interface module has been met by Ehreth in claim 16 rejection. The limitation for S video has been met in claim 12 rejection. The limitation for optical receiver has been met in claim 7-8 rejection.

Regarding claim 80, Ehreth in view of Hamlin has met the limitations in claim 80 in claim 5 rejection.

Regarding claims 81-82, Ehreth has met the limitations in claims 81-82 in claim 74-75 rejections.

25. Claim 83 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of White in further view of Decker.

Regarding claim 83, the limitations in claim 83 have been met in claim 76 rejection.

26. Claim 84 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of White in further view of Nguyen.

Regarding claim 84, as disclosed in claim 48 rejection, Nguyen discloses a plurality of decoders (modules). Ehreth discloses remotely located televisions in claim 1 rejections.

27. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehreth in view of Hamlin in further view of White in further view of Nguyen.

Regarding claim 85, the limitations in claim 85 have been met in claim 11 rejection.

Conclusion

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2611

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

JJC



VIVEK SRIVASTAVA
PRIMARY EXAMINER